

09/863,921
Appeal Brief

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of

Mittal et al.

Docket No.: JP920010008US1

Serial No.: 09/863,921

Group Art Unit: 3622

Filed: May 23, 2001

Examiner: Young, John L.

For: PERSONALISATION OF PROMOTIONAL OFFERS

Mail Stop Appeal Brief - Patents
Commissioner for Patents
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RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Sirs:

In response to the Notice of Non-Compliant Appeal Brief mailed May 3, 2007 (hereinafter "the Notice"), submitted herewith is a corrected Summary of Claimed Subject Matter section in compliance with 37 CFR § 41.37(c)(1)(v). Only this section of the Appeal Brief is being submitted as per section 10 of the Notice.

The Board is respectfully requested to cancel all of the rejections to the claims and to pass the application to issue. Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0441.

Respectfully submitted,

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V. SUMMARY OF CLAIMED SUBJECT MATTER

The Appellants' claimed invention provides an apparatus, method, and computer program product (as generally described on pages 2-22 of the specification and generally shown in Figures 1-13) for conducting a promotional offer over a computer network. More specifically, with reference to the claimed language:

Claim 1: A method of conducting a promotional offer over a computer network, the method comprising defining the structure of said promotional offer having a plurality of associated parameters, one or more of which are unspecified or variable (step 110 of FIG. 1; page 5, lines 17-18 and 22 of the specification); targeting one or more of a plurality of customers as recipients of the promotional offer (step 120 of FIG. 1; page 5, lines 19-20 of the specification); and distributing a record of the promotional offer to the customers over said computer network (page 5, line 20 of the specification); wherein one or more of the unspecified or variable parameters associated with the offer are individually assigned for one or more of the targeted customers to whom the record of the offer is distributed (step 130 of FIG. 1; page 5, line 22 through page 6, line 2 of the specification), wherein said unspecified or variable parameters are defined when the promotional offer is accepted by respective customers (steps 450 and 460 of FIG. 4; page 15, lines 19-20 of the specification), and wherein said record of the promotional offer comprises a declinable value once said unspecified or variable parameters are defined (page 13, lines 8-9 of the specification).

Claim 3: wherein one or more of the unspecified or variable offer parameters are assigned default values (page 13, lines 20-26 of the specification).

Claim 4: wherein the assigned default values can be changed a predetermined number of

times (page 13, lines 26-27 of the specification).

Claim 5: wherein the unspecified or variable parameters vary with time (page 5, lines 17-19 and page 5, line 31 through page 6, line 2 and page 6, lines 28-30 of the specification).

Claim 6: wherein the unspecified or variable offer parameters comprises at least one of an offer discount information (page 6, lines 29-30 and page 7, lines 17-20 of the specification), an offer validity period (step 630 of FIG. 6; page 6, line 30; page 7, lines 22-27; page 16, lines 5-6 of the specification) and offer life period (page 7, line 29 through page 8, line 1).

Claim 7: wherein one or more of the unspecified or variable offer parameters are assigned for customers on the basis of respective customer profile information (page 5, lines 25-26; page 10, lines 22-23 of the specification).

Claim 8: wherein a plurality of the unspecified or variable offer parameters are assigned by different entities able to access different respective customer profile information (FIG. 2; page 6, lines 4-19 of the specification).

Claim 9: wherein there is provided an incentive for the different entities to appropriately assign the unspecified or variable offer parameters (page 14, lines 3-10 of the specification).

Claim 10: wherein one or more of the unspecified or variable offer parameters are assigned within a predetermined range of values (page 5, lines 16-20 of the specification).

Claim 11: wherein one or more of the unspecified or variable offer parameters are assigned in accordance with predetermined rules (page 13, lines 24-26 of the specification).

Claim 12: wherein the predetermined rules vary for different respective customers (page 13, lines 24-26 of the specification).

Claim 13: wherein the predetermined rules specify how to determine a respective

customer's eligibility to redeem the offer (page 13, lines 24-26 of the specification).

Claim 14: wherein the predetermined rules specify how to determine a respective customer's authorization to determine said one or more unspecified or variable parameters (page 13, lines 24-26 of the specification).

Claim 15: wherein the customer profile information can include demographic or behavioral information (page 10, lines 16-18 of the specification).

Claim 16: wherein respective customers can decline to redeem the offer (page 19, line 9 of the specification).

Claim 17: wherein the record of the offer is an electronic coupon (page 5, lines 12-14 of the specification).

Claim 18: wherein the record of the promotional offer is distributed online (page 10, line 3; page 12, lines 13-17; page 19, lines 23-25 of the specification).

Claim 19: wherein the unspecified or variable parameter of offer discount information is determined for each customer such that the customer's utility for the promoted product of the product identifier information exceeds that of the customer's corresponding preferred brand product (steps 710-730 of FIG. 7; page 16, lines 9-16 of the specification).

Claim 20: wherein the unspecified or variable parameter of offer discount information is determined for each customer as the difference in price between the promoted product of the product identifier information and the customer's corresponding preferred brand product (steps 710-730 of FIG. 7; page 16, lines 9-16 of the specification).

Claim 21: wherein the unspecified or variable parameter of offer validity period is determined for each customer as at least the period to the estimated time of the customer's next

purchase (page 17, line 23 through page 18, line 2 of the specification).

Claim 22: A method of conducting a promotional offer over a computer network, the method comprising defining the structure of said promotional offer to be made to a plurality of customers having a plurality of associated parameters, one or more of which are unspecified or variable (step 110 of FIG. 1; page 5, lines 17-18 and 22 of the specification), wherein one or more of the unspecified or variable parameters associated are able to be individually assigned for one or more of the targeted customers to whom a record of the promotional offer is distributed over said computer network (step 130 of FIG. 1; page 5, line 22 through page 6, line 2 of the specification), wherein said unspecified or variable parameters are defined when the promotional offer is redeemed by respective customers (page 5, lines 22-24 of the specification), and wherein said record of the promotional offer comprises a declinable value once said unspecified or variable parameters are defined (page 13, lines 8-9 of the specification).

Claim 23: A method of conducting a promotional offer over a computer network, the method comprising distributing to one or more targeted customers a record of said promotional offer having a plurality of associated parameters (page 5, lines 22-24 of the specification); and defining values of one or more of the associated parameters for respective targeted customers (page 5 lines 16-19 of the specification), when requested by the respective customers, wherein said one or more of the parameters associated with the promotional offer are individually assigned to one or more of the targeted customers (page 5, lines 31-32 of the specification), wherein said one or more of the parameters are defined when requested by respective customers (page 13, lines 16-18 of the specification), and wherein said record of the promotional offer comprises a declinable value once said unspecified or variable parameters are defined (page 13,

lines 8-9 of the specification).

Claim 24: A method of conducting a promotional offer over a computer network, the method comprising targeting one or more of a plurality of customers as recipients of a said promotional offer having a plurality of associated parameters (step 120 of FIG. 1; page 5, lines 19-20 of the specification), one or more of which are unspecified or variable (step 110 of FIG. 1; page 5, lines 17-18 and 22 of the specification), wherein one or more of the unspecified or variable parameters associated with the promotional offer are individually assigned for one or more of the targeted customers to whom a record of time offer is distributed over said computer network (step 130 of FIG. 1; page 5, line 22 through page 6, line 2 of the specification), wherein said unspecified or variable parameters are defined when the promotional offer is redeemed by respective customers (page 5, lines 22-24 of the specification), and wherein said promotional offer comprises a declinable value once said unspecified or variable parameters are defined (page 13, lines 8-9 of the specification).

Claim 25: A method of conducting a promotional offer over a computer network, the method comprising distributing to one or more targeted customers a record of a promotional offer having a plurality of associated parameters (page 5, lines 22-24 of the specification), wherein one or more of the associated parameters associated with the promotional offer have been individually assigned to one or more of the targeted customers (page 5, lines 31-32 of the specification), wherein said parameters are defined when the promotional offer is redeemed by respective customers (page 5, lines 22-24 of the specification), and wherein said record of the promotional offer comprises a declinable value once said unspecified or variable parameters are defined (page 13, lines 8-9 of the specification).

Claim 26: A computer program product having a computer readable medium having a computer program recorded therein (FIG. 13; page 20, lines 4-11 of the specification) conducting a promotional offer, said computer program comprising code (page 20, lines 10-11 of the specification) adapted to defining the structure of said promotional offer having a plurality of associated parameters, one or more of which are unspecified or variable (step 110 of FIG. 1; page 5, lines 17-18 and 22 of the specification), wherein said code targets one or more of a plurality of customers as recipients of the promotional offer (step 120 of FIG. 1; page 5, lines 19-20 of the specification), wherein said code adapted to distributing a record of the promotional offer to the customers over said computer network (page 5, line 20 of the specification), wherein one or more of the unspecified or variable parameters associated with the promotional offer are individually assigned for one or more of the targeted customers to whom the record of the promotional offer is distributed (page 5, lines 31-32 of the specification), wherein said unspecified or variable parameters are defined when the promotional offer is accepted by respective customers (steps 450 and 460 of FIG. 4; page 15, lines 19-20 of the specification), and wherein said record of the promotional offer comprises a declinable value once said unspecified or variable parameters are defined (page 13, lines 8-9 of the specification).

Claim 27: Apparatus for conducting a promotional offer, the apparatus (FIG. 13; page 20, lines 4-11 of the specification) comprising code (page 20, lines 10-11 of the specification) adapted to define the structure of said promotional offer having a plurality of associated parameters, one or more of which are unspecified or variable (step 110 of FIG. 1; page 5, lines 17-18 and 22 of the specification), wherein said code targets one or more of a plurality of customers as recipients of the promotional offer (step 120 of FIG. 1; page 5, lines 19-20 of the

specification), wherein said code adapted to distributing a record of the promotional offer to the customers over said computer network (page 5, line 20 of the specification), wherein one or more of the unspecified or variable parameters associated with the promotional offer are individually assigned for one or more of the targeted customers to whom the record of the promotional offer is distributed (page 5, lines 31-32 of the specification), wherein said unspecified or variable parameters are defined when the promotional offer is accepted by respective customers (steps 450 and 460 of FIG. 4; page 15, lines 19-20 of the specification), and wherein said record of the promotional offer comprises a declinable value once said unspecified or variable parameters are defined (page 13, lines 8-9 of the specification).

Claim 28: wherein the unspecified or variable parameters are defined when the offer is redeemed by respective customers or when requested by respective customers (page 5, lines 22-24 of the specification).

Claim 29: wherein one or more of the unspecified or variable offer parameters are assigned default values (page 13, lines 20-26 of the specification).

Claim 30: wherein the assigned default values can be changed a predetermined number of times (page 13, lines 26-27 of the specification).

Claim 31: wherein the unspecified or variable parameters vary the time (page 5, lines 17-19 and page 5, line 31 through page 6, line 2 and page 6, lines 28-30 of the specification).

Claim 32: wherein the unspecified or variable offer parameters can include on or more of offer discount information (page 6, lines 29-30; and page 7, lines 17-20 of the specification), after validity period (step 630 of FIG. 6; page 6, line 30; page 7, lines 22-27; page 16, lines 5-6 of the specification), and offer life period (page 7, line 29 through page 8, line 1).

Claim 33: wherein one or more of the unspecified or variable offer parameters are assigned for customers on the basis of respective customer profile information (page 5, lines 25-26; page 10, lines 22-23 of the specification).

Claim 34: wherein a plurality of the unspecified or variable offer parameters are assigned by different entities able to access different respective customer profile information (FIG. 2; page 6, lines 4-14 of the specification).

Claim 35: wherein an incentive is provided for the different entities to appropriately assign the unspecified or variable offer parameters (page 14, lines 3-10 of the specification).

Claim 36: wherein one or more of the unspecified or variable offer parameters are assigned within a predetermined range of values (page 5, lines 16-20 of the specification).

Claim 37: wherein one or more of the unspecified or variable offer parameters are assigned in accordance with predetermined rules (page 13, lines 24-26 of the specification).

Claim 38: wherein the predetermined rules vary for different respective customers (page 13, lines 24-26 of the specification).

Claim 39: wherein the predetermined rules specify how to determine a respective customer's eligibility to redeem the offer (page 13, lines 24-26 of the specification).

Claim 40: wherein the predetermined rules specify how to determine a respective customer's authorization to determine said one or more unspecified or variable parameters (page 13, lines 24-26 of the specification).

Claim 41: wherein the customer profile information can include demographic or behavioral information (page 10, lines 16-18 of the specification).

Claim 42: wherein respective customers can decline to redeem the offer (page 19, line 9

of the specification).

Claim 43: wherein the record of the offer is an electronic coupon (page 5, lines 12-14 of the specification).

Claim 44: wherein the record of the promotional offer is distributed online (page 10, line 3; page 12, lines 13-17; page 19, lines 23-25 of the specification).

Claim 45: wherein the unspecified or variable parameter of offer discount information is determined for each customer such that the customer's utility for the promoted product of the product identifier information exceeds that of the customer's corresponding preferred brand product (steps 710-730 of FIG. 7; page 16, lines 9-16 of the specification).

Claim 46: wherein the unspecified or variable parameter of offer discount information is determined for each customer as the difference in price between the promoted product of the product identifier information and the customer's corresponding preferred brand product (steps 710-730 of FIG. 7; page 16, lines 9-16 of the specification).

Claim 47: wherein the unspecified or variable parameter of offer validity period is determined for each customer as at least the period to the estimated time of the customer's next purchase (page 17, line 23 through page 18, line 2 of the specification).

Claim 48: wherein said declinable value comprising any of a linear, polynomial, and exponential rate of decline in value (page 13, lines 9-10 of the specification).